

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nick Kuczek	Team: Squad #08	CCRB Case #: 202300350	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 01/07/2023 10:27 PM	Location of Incident: Outside of 463 New Lots Avenue	18 Mo. SOL 7/7/2024	Precinct: 75		
Date/Time CV Reported Fri, 01/13/2023 12:27 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 01/13/2023 12:27 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Lester Haynes	07304	954922	075 PCT
2. PO James Zebro	02610	965910	075 PCT
3. PO Christopher Stelmach	19816	966870	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Brandon Toles	14657	974596	075 PCT
2. PO Isidro Valdez	03718	974615	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO Lester Haynes	Abuse: Police Officer Lester Haynes questioned § 87(2)(b)	
B . PO Lester Haynes	Abuse: Police Officer Lester Haynes stopped § 87(2)(b)	
C . PO James Zebro	Abuse: Police Officer James Zebro stopped § 87(2)(b)	
D . PO Christopher Stelmach	Abuse: Police Officer Christopher Stelmach stopped § 87(2)(b)	
E . PO Lester Haynes	Abuse: Police Officer Lester Haynes improperly used their body-worn camera.	
F . PO James Zebro	Abuse: Police Officer James Zebro improperly used their body-worn camera.	
G . PO Christopher Stelmach	Abuse: Police Officer Christopher Stelmach improperly used their body-worn camera.	
H . PO Lester Haynes	Abuse: Police Officer Lester Haynes threatened to issue summons to § 87(2)(b)	
I . PO Lester Haynes	Abuse: Police Officer Lester Haynes threatened to issue summons to § 87(2)(b)	
J . PO Lester Haynes	Abuse: Police Officer Lester Haynes failed to provide § 87(2)(b) with a business card.	
K . PO Christopher Stelmach	Abuse: Police Officer Christopher Stelmach failed to provide § 87(2)(b) with a business card.	
L . PO James Zebro	Abuse: Police Officer James Zebro failed to provide § 87(2)(b) with a business card.	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via telephone on January 13, 2023.

On January 7, 2023, at approximately 10:27 PM, § 87(2)(b) and his sister, § 87(2)(b) left a birthday party at the § 87(2)(b) Church located at § 87(2)(b) in Brooklyn. § 87(2)(b) walked west on New Lots Avenue with an empty glass pudding jar in his hand. § 87(2)(b) saw his bus drive by him westbound on New Lots Avenue, threw his glass pudding jar in the street, and ran after the bus. PO Lester Haynes, PO James Zebro, and PO Christopher Stelmach of the 75th Precinct drove west on New Lots Avenue alongside § 87(2)(b) and PO Haynes allegedly asked § 87(2)(b) if he was trying to evade the bus fare. The officers stopped and exited their vehicle, approached § 87(2)(b) at the corner of New Lots Avenue and Wyona Street without activating their Body-worn cameras, and PO Ross allegedly asked § 87(2)(b) if he had identification, and if he had consumed alcohol (**Allegation A – Abuse of Authority: § 87(2)(g)**) (**Allegations B, C, and D – Abuse of Authority: § 87(2)(g)**) PO Ross then told § 87(2)(b) that he was going to issue him a summons for littering (**Allegation H – Abuse of Authority: § 87(2)(g)**) and for open container (**Allegation I – Abuse of Authority: § 87(2)(g)**) PO Haynes, PO Zebro, and PO Stelmach returned to their police vehicle and left the scene without offering § 87(2)(b) a business card (**Allegations J, K, and L – Abuse of Authority: § 87(2)(g)**)

§ 87(2)(b) was not arrested or summonsed as a result of this incident.

The investigation obtained Body-worn camera footage (BWC) from PO Brandon Toles of the 75th Precinct (Board Review 10), and the personal cellphone video footage of § 87(2)(b) (Board Review 08, 09).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Lester Haynes questioned § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Lester Haynes stopped § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer James Zebro stopped § 87(2)(b)

Allegation (D) Abuse of Authority: Police Officer Christopher Stelmach stopped § 87(2)(b)

Allegation (E) Abuse of Authority: Police Officer Lester Haynes improperly used their body-worn camera.

Allegation (F) Abuse of Authority: Police Officer James Zebro improperly used their body-worn camera.

Allegation (G) Abuse of Authority: Police Officer Christopher Stelmach improperly used their body-worn camera.

Allegation (H) Abuse of Authority: Police Officer Lester Haynes threatened to issue summons to § 87(2)(b)

§ 87(2)(b) provided a statement to the CCRB via telephone on January 19, 2023. He stated that on January 7, 2023, at approximately 10:27 PM, he, his sister, § 87(2)(b) and her daughter left a children's birthday party at the § 87(2)(b) Church located at § 87(2)(b) in Brooklyn. § 87(2)(b) and her daughter entered a cab outside the church to go home, while § 87(2)(b) took a left off Schenck Avenue onto New Lots Avenue, walking west on the north sidewalk of New Lots Avenue to get on the bus to go home. § 87(2)(b)

walked with an empty translucent glass jar, slightly smaller than a soda can, that had been served to him at the birthday party with banana pudding in it. § 87(2)(b) saw the bus drive past him west on New Lots Avenue and he threw his glass jar in the street and began running after the bus in the street. § 87(2)(b) did not see if the jar shattered or not and ran past PO Toles and PO Isidro Valdez of the 75th Precinct, who walked on the north sidewalk of New Lots Avenue. § 87(2)(b) did not know if PO Toles or PO Valdez saw him throw the glass jar in the street, or if they followed him, and § 87(2)(b) ran back onto the west sidewalk and continued running after the bus.

§ 87(2)(b) saw an unmarked police vehicle drive alongside him on the north sidewalk of New Lots Avenue between Bradford Street and Wyona Street, and he slowed down and began walking. The police vehicle drove slowly alongside § 87(2)(b) and PO Haynes, from the driver seat of the police vehicle through the open front passenger window, asked § 87(2)(b) where he was running to. § 87(2)(b) told PO Haynes that he was coming from a party and that he was trying to catch up to the bus, and PO Haynes asked § 87(2)(b) if he was trying to “hop” the bus, which § 87(2)(b) described as a term for evading the bus fare.

Upon § 87(2)(b) reaching the north-east sidewalk of Wyona Street and New Lots Avenue, the police vehicle stopped, and PO Haynes, PO Zebro, and PO Stelmach exited and approached § 87(2)(b). PO Haynes asked § 87(2)(b) if he had been drinking alcohol, and § 87(2)(b) told PO Haynes that he had not been, and that he does not drink alcohol. PO Haynes asked § 87(2)(b) if he had identification, and § 87(2)(b) took out his wallet and provided PO Haynes with his identification. PO Haynes told § 87(2)(b) that he was going to issue him a summons for open container, asked him if he was trying to “hop” the bus again, and asked him why PO Toles and PO Valdez were chasing after him. § 87(2)(b) told PO Haynes that PO Toles and PO Valdez were not chasing him, and § 87(2)(b) saw PO Toles and PO Valdez now stood one block east, on the north-west corner of Bradford Street and New Lots Avenue. PO Stelmach walked over to and spoke to PO Toles and PO Valdez, but § 87(2)(b) was not able to hear the conversation between them.

§ 87(2)(b) and her daughter drove by § 87(2)(b) and the officers on New Lots Avenue in their cab, and the cab pulled over on the north-west corner of Wyona Street and New Lots Avenue. § 87(2)(b) exited the cab with her daughter and walked across Wyona Street to the north-east corner of Wyona Street and New Lots Avenue and began cursing at the officers for stopping § 87(2)(b). After speaking with PO Toles and PO Valdez, PO Stelmach returned to the north-east corner of Wyona Street and New Lots Avenue and told PO Haynes that the whole situation was a misunderstanding. § 87(2)(b) took out his cellphone and began video recording, and PO Haynes told § 87(2)(b) that he was still going to get a summons for littering and open container.

§ 87(2)(b) walked to the north-west corner of Bradford Street and New Lots Avenue to speak to PO Toles and PO Valdez, and PO Toles told § 87(2)(b) that he had already explained to PO Stelmach that the situation was a misunderstanding. § 87(2)(b) returned to the north-east corner of Wyona Street and New Lots Avenue, where § 87(2)(b) who had been handed the identification of § 87(2)(b) while he spoke to PO Toles and PO Valdez, gave § 87(2)(b) his identification back. PO Haynes, PO Zebro, and PO Stelmach returned to their police vehicle and left the scene. None of the officers offered or provided § 87(2)(b) with a business card during this incident (Board Review 07).

The investigation did not obtain a statement from § 87(2)(b) as she was uncooperative in missing two scheduled telephone interviews.

§ 87(2)(b) personal cellphone video footage captured the end of his interactions with PO Haynes, PO Zebro, PO Stelmach, PO Toles, and PO Valdez during this incident. The footage begins with § 87(2)(b) asking PO Haynes to return his identification four times. At eight seconds, § 87(2)(b) states that the officers stopped and harassed him, and PO Haynes states that he is going to give § 87(2)(b) a summons. At eighteen seconds, § 87(2)(b) asks PO Haynes why he is going to issue him a summons, and PO Haynes states, “For open container and littering.” At thirty seconds, § 87(2)(b) tells PO Haynes that the other officers just stated that he did not have an open container. At thirty-six seconds, § 87(2)(b) walks over to PO Toles and PO Valdez, and tells them that PO Haynes just stated that he had an open container. At forty-eight seconds, PO Toles tells § 87(2)(b) that it is a misunderstanding, that he just spoke to the officers, and that they are letting him go. At fifty-four seconds, § 87(2)(b) states, “No, they are not. They are giving me a summons.” § 87(2)(b) walks back towards Wyona Street and asks for his identification, and PO Haynes states, “Yeah, I gave it to her. You’re good to go” (Board Review 08).

PO Toles’ BWC (Board Review 10) captures PO Stelmach walking away from PO Toles and PO Valdez on the north sidewalk of New Lots Avenue, as § 87(2)(b) approaches PO Toles and PO Valdez. The footage is consistent with the personal cellphone video footage of § 87(2)(b) (Board Review 08).

PO Haynes testified at the CCRB on April 20, 2023. He stated that on January 7, 2023, at approximately 10:27 PM, he drove his police vehicle west on New Lots Avenue with PO Zebro and PO Stelmach and observed § 87(2)(b) running west on the north sidewalk of New Lots Avenue. PO Haynes did not recall observing § 87(2)(b) throw anything but stated that the pace that he was running at was out of the ordinary for the time of night. § 87(2)(b) approached a stopped bus, and PO Haynes believed that he was chasing after it, but did not recall what bus stop on New Lots Avenue the bus stopped. PO Haynes stated that it appeared that the bus driver told § 87(2)(b) that he could not get on the bus, but PO Haynes could not elaborate on this further.

§ 87(2)(b) continued running west on New Lots Avenue for several more blocks and PO Haynes pulled up and drove alongside § 87(2)(b) on the north sidewalk of New Lots Avenue. PO Haynes asked § 87(2)(b) how he was doing, and § 87(2)(b) began to slow down and walk. PO Haynes believed that § 87(2)(b) may have been a victim of a crime based on his abnormal running on New Lots Avenue and did not intend to stop § 87(2)(b). PO Haynes stated that he wanted to inquire about why § 87(2)(b) was running, and that the interaction was more akin to a wellness check. PO Haynes stopped the police vehicle, and he, PO Zebro, and PO Stelmach exited and approached § 87(2)(b) on the sidewalk. § 87(2)(b) asked PO Haynes what was going on and PO Haynes asked § 87(2)(b) if everything was okay. § 87(2)(b) did not answer and instead provided PO Haynes with his identification. PO Haynes stated that he did not request § 87(2)(b) to provide his identification, and that he did not have any suspicion of § 87(2)(b) attempting to evade the bus fare and did not ask § 87(2)(b) any questions about “hopping the bus.” § 87(2)(b) asked PO Haynes to give him a breathalyzer test, which was not ultimately conducted. PO Haynes stated that it was possible that he asked § 87(2)(b) if he drank alcohol but did not recall. PO Haynes did not recall threatening to issue § 87(2)(b) a summons for open container or for littering. PO Haynes stated that he did not have any intent on issuing § 87(2)(b) a summons during this interaction and added that as a neighborhood safety officer, he does not focus on crimes such as littering or open container, rarely carries summonses in his police vehicle, and usually focuses on guns, narcotics, and known criminals.

§ 87(2)(b) whom § 87(2)(b) identified to PO Haynes as his sister, exited a vehicle and approached PO Haynes and § 87(2)(b) on the sidewalk, and she and § 87(2)(b) began yelling at him. § 87(2)(b) yelled profanity at PO Haynes, but PO Haynes did not recall what § 87(2)(b) and § 87(2)(b) stated specifically. PO Haynes returned § 87(2)(b) identification to him, and based on § 87(2)(b) anger towards him, was able to determine that § 87(2)(b) was not running from anything, and that their business with him was concluded. PO Haynes stated that an additional foot post was in the area during this incident, that he did not know who the officers were, and that they did not become involved in the incident. PO Haynes did not activate his BWC during this incident or offer or provide § 87(2)(b) with a business card during this incident, as he did not believe this to be an interaction that required such to be done.

PO Haynes was presented with § 87(2)(b) personal cellphone video footage (Board Review 08) and the footage was played in its entirety. PO Haynes acknowledged that he spoke to § 87(2)(b) about alcohol during the footage but stated that it did not refresh his recollection. PO Haynes reiterated that he was not attempting to write § 87(2)(b) a summons and stated that § 87(2)(b) “was not like that during the initial stop,” in regard to § 87(2)(b) and § 87(2)(b) yelling at him. PO Haynes reiterated that § 87(2)(b) was not stopped and that he was free to leave during this incident (Board Review 11).

PO Zebro testified at the CCRB on April 20, 2023. PO Zebro’s testimony was consistent with that of PO Haynes in that he, PO Haynes, and PO Stelmach observed § 87(2)(b) running west on the north sidewalk of New Lots Avenue, that he was not suspected of committing a crime, and that they were only inquiring as to whether § 87(2)(b) was okay. PO Zebro did not observe § 87(2)(b) throw anything on the ground. PO Zebro stated that § 87(2)(b) was free to go during this incident, and that § 87(2)(b) provided them with his identification preemptively and was not asked to provide it. PO Zebro did not recall PO Haynes telling § 87(2)(b) that he would issue him a summons for open container or littering. PO Zebro did not hear PO Haynes ask § 87(2)(b) if he had consumed alcohol, or if he was trying to evade the bus fare during this incident. PO Zebro did not activate his BWC during this incident nor offer or provide § 87(2)(b) with a business card during this incident, as he did not believe this to be an interaction that required such to be done.

PO Zebro was presented with § 87(2)(b) personal cellphone video footage (Board Review 08) and the footage was played in its entirety. PO Zebro did not know why PO Haynes told § 87(2)(b) that he would issue him summonses for open container and littering and stated that he did not observe § 87(2)(b) with an open container or littering during this incident. PO Zebro stated that he still believed the encounter with § 87(2)(b) to be a community interaction, that § 87(2)(b) was not stopped, and that he was free to leave during this incident (Board Review 12).

PO Stelmach testified at the CCRB on May 4, 2023. He stated that on January 7, 2023, at approximately 10:27 PM, he, PO Haynes, and PO Zebro were driving west in their police vehicle on New Lots Avenue in Brooklyn, when they observed § 87(2)(b) sprinting west on the north sidewalk of New Lots Avenue, and discard what appeared to be either a can or a bottle in the street. Either PO Haynes or PO Zebro stated that § 87(2)(b) threw a beer in the street, but PO Stelmach did not know why they believed the item to be a beer and stated that the officers never went back to confirm whether what § 87(2)(b) threw was a beer. PO Stelmach did not see whether the item § 87(2)(b) threw was a can or a bottle, or whether it shattered in the street. The officers followed behind § 87(2)(b) as they wanted to make sure he was okay, and pulled up alongside him on the corner of Bradford Street and New Lots Avenue.

PO Stelmach, PO Haynes, and PO Zebro all exited the police vehicle and approached § 87(2)(b) on the north sidewalk of New Lots Avenue, and they all asked § 87(2)(b) if he was okay. § 87(2)(b) began yelling at the officers, but PO Stelmach did not recall what he was yelling, and PO Toles and PO Valdez approached them to see what was going on. PO Stelmach believed that PO Toles and PO Valdez heard § 87(2)(b) yelling and came to check on what was going on, and PO Stelmach told PO Toles and PO Valdez that everything was okay.

PO Stelmach did not recall any details from his, PO Haynes', and PO Zebro's conversation with § 87(2)(b) but stated that § 87(2)(b) was not stopped, and was free to leave during this incident. PO Stelmach did not hear PO Haynes ask § 87(2)(b) if he had consumed alcohol, or if he was trying to evade the bus fare during this incident. PO Stelmach did not activate his BWC during this incident or offer or provide § 87(2)(b) with a business card during this incident, because he did not believe their interaction with § 87(2)(b) to require such to do so, as he was not stopped. PO Stelmach did not recall if § 87(2)(b) identification was ever obtained and did not recall PO Haynes asking § 87(2)(b) if he had consumed alcohol or requesting his identification.

PO Stelmach was presented with § 87(2)(b) personal cellphone video footage (Board Review 08) and the footage was played in its entirety. PO Stelmach stated that he did not know how they obtained § 87(2)(b) identification. PO Stelmach acknowledged that PO Haynes discussed issuing a summons for open container and littering with § 87(2)(b) and stated that they must have decided not to issue him a summons. PO Stelmach stated that § 87(2)(b) could have been summonsed for littering, and open container, if they had gone back to the location of the discarded item and confirmed that it was alcohol (Board Review 13).

PO Toles testified at the CCRB on May 4, 2023. He stated that on January 7, 2023, at approximately 10:27 PM, PO Toles and PO Valdez were working their foot post at the corner of Van Siclen Avenue and New Lots Avenue in Brooklyn walking west on New Lots Avenue when PO Toles heard someone yelling.

PO Toles and PO Valdez walked to the corner of Bradford Street and New Lots Avenue, and observed § 87(2)(b) yelling at PO Haynes, PO Zebro, and PO Stelmach on the corner of Wyona Street and New Lots Avenue but did not recall what was being stated. PO Stelmach walked over to PO Toles and PO Valdez and told PO Toles that everything was okay and that they could continue with their footpost. PO Stelmach told PO Toles that they were just checking in on § 87(2)(b) to ensure that he was okay, and that they were not going to issue him a summons.

PO Stelmach walked back to the corner of Wyona Street and New Lots Avenue, and a few minutes later, § 87(2)(b) approached PO Toles and PO Valdez. § 87(2)(b) told PO Toles that PO Haynes, PO Zebro, and PO Stelmach were trying to write him a summons. PO Toles told § 87(2)(b) to calm down, that everything was alright, and that it was probably just a misunderstanding. PO Toles told § 87(2)(b) that he already spoke to PO Stelmach, and that he had told PO Toles that they were not going to issue him a summons. § 87(2)(b) walked back to the corner of Wyona Street and New Lots Avenue, and there was no further interaction between § 87(2)(b) PO Haynes, PO Zebro, or PO Stelmach with PO Toles or PO Valdez. PO Toles did not speak to § 87(2)(b) regarding having an open container or littering, or observe § 87(2)(b) throw an object on the ground during this incident (Board Review 14).

According to NYC Administrative Code 16-118, No person shall litter, sweep, throw or cast, or direct, suffer or permit any servant, agent, employee, or other person under his or her control, to

litter, sweep, throw or cast any ashes, garbage, paper, dust or other rubbish and refuse of any kind whatsoever, in or upon any street or public place, vacant lot, air shaft, areaway, backyard court, park, or alley (Board Review 15).

According to *People v. De Bour*, 40 N.Y.2d 210, police officers are authorized to conduct a forcible stop and detention of a person when they entertain a reasonable suspicion that that particular person has committed, is committing, or is about to commit a felony or misdemeanor (Board Review 19).

According to NYPD Patrol Guide Procedure 212-123, Uniformed members of service assigned Body-worn cameras (BWC) are required to activate their BWC during any police service, as well as law enforcement or investigative activity conducted in furtherance of official duties. Police action includes responding to calls for service, addressing quality of life conditions, handling pick-up assignments and any self-initiated investigative or enforcement actions such as witness canvasses, vehicle stops and Investigative Encounters (Board Review 18).

According to NYPD Patrol Guide Procedure 212-11, a Terry Stop/level 3 encounter may be conducted only when a police officer has an individualized reasonable suspicion that the person has committed, is committing, or is about to commit a felony or Penal Law misdemeanor (Board Review 20).

§ 87(2)(b) alleged that PO Haynes asked him twice if he had been attempting to evade the bus fare and asked him if he had consumed alcohol that night. PO Haynes stated that he did not ask § 87(2)(b) about evading the bus fare or if he had been consuming alcohol, and PO Zebro and PO Stelmach both stated that they did not hear PO Haynes ask § 87(2)(b) about evading the bus fare, or if he had been consuming alcohol. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

PO Haynes, PO Zebro, and PO Stelmach all stated that their interaction with § 87(2)(b) was a community interaction, that he was not stopped, and that he was always free to leave. While it is disputed whether § 87(2)(b) preemptively provided PO Haynes with his identification, or if § 87(2)(b) was requested to provide it by PO Haynes, the identification remained in PO Haynes hand during this interaction, and § 87(2)(b) cellphone video footage revealed that PO Haynes did tell § 87(2)(b) that he was going to be issued summonses for littering and open container. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

While PO Haynes and PO Zebro did not recall observing § 87(2)(b) discard any object in the street, PO Stelmach did see § 87(2)(b) discard either a can or a bottle in the street, and § 87(2)(b) acknowledged that he discarded an empty glass jar in the street. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

PO Haynes, PO Zebro, and PO Stelmach all stated that they did not activate their BWC because they did not believe their interaction with § 87(2)(b) to be one that required BWC activation. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (I) Abuse of Authority: Police Officer Lester Haynes threatened to issue summons to § 87(2)(b)

Allegation (J) Abuse of Authority: Police Officer Lester Haynes failed to provide § 87(2)(b) with a business card.

Allegation (K) Abuse of Authority: Police Officer Christopher Stelmach failed to provide § 87(2)(b) with a business card.

Allegation (L) Abuse of Authority: Police Officer James Zebro failed to provide § 87(2)(b) with a business card.

As discussed above, it is undisputed that PO Haynes, PO Zebro, and PO Stelmach did not verify that the item discarded by § 87(2)(b) was an alcoholic beverage, and that PO Haynes, PO Zebro, and PO Stelmach did not offer or provide § 87(2)(b) with a business card at the conclusion of this incident.

Based on the personal cellphone video of § 87(2)(b) (Board Review 08), it is also undisputed that PO Haynes threatened to issue § 87(2)(b) a summons for open container.

According to NYC Administrative Code 10-125, no person shall drink or consume an alcoholic beverage, or possess, with intent to drink or consume, an open container containing an alcoholic beverage in any public place except at a block party, feast or similar function for which a permit has been obtained (Board Review 16).

According to NYC Administrative Code 14-174, officers must offer a business card to any individual at the conclusion of law enforcement activities, such as pedestrian stops and searches, that do not result in an arrest or summons. When an officer does not have business cards on them the officer must provide the individual with a handwritten card that includes their name, rank, and command (Board Review 17).

While § 87(2)(b) acknowledged discarding an item in the street, he stated that the item was an empty pudding jar, that it was not an empty alcoholic beverage, and that he had not consumed any alcohol on the date of the incident. PO Stelmach acknowledged that either PO Haynes or PO Zebro stated that they believed that § 87(2)(b) threw a beer in the street, but that they did not specify why they believed the discarded item to be a beer. Furthermore, PO Stelmach stated that § 87(2)(b) could only have been summonsed for open container if the officers were to return to the scene of the discarded item to confirm it to be an alcoholic beverage, which the officers did not do.

§ 87(2)(g)

PO Haynes, PO Zebro, and PO Stelmach all stated that they did not offer or provide § 87(2)(b) with a business card because they did not believe their interaction with § 87(2)(b) to be one that required a business card to be offered. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 01).
- PO Haynes has been a member of service since July 9, 2013 and has been a subject in ten CCRB complaints and nineteen allegations, none of which were substantiated. § 87(2)(g)
[REDACTED]
[REDACTED]
- PO Zebro has been a member of service since April 25, 2018 and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)
[REDACTED]
- PO Stelmach has been a member of service since October 24, 2018 and has been a subject in seven CCRB complaints and fifteen allegations, one of which was substantiated:
 - 202102264 involved a substantiated allegation of Force – Physical force against PO Stelmach. The Board recommended Command Discipline B and the NYPD did not impose disciplinary action. § 87(2)(g)
[REDACTED]
[REDACTED]

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of May 12, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (Board Review 06).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]

RPBP History

- This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.

Squad: 8

Investigator:	<u>Nicholas Kuczek</u>	<u>Investigator Nicholas Kuczek</u>	<u>01/02/2024</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Ethan De Angelo</u>	<u>IM Ethan De Angelo</u>	<u>01/02/2024</u>
	Signature	Print Title & Name	Date

Reviewer:

Signature

Print Title & Name

Date